

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2326

LILY ABIKIAN,

Petitioner,

versus

JOHN D. ASHCROFT, Attorney General for the
United States,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A78-574-387)

Submitted: May 19, 2004

Decided: June 3, 2004

Before WILKINSON, WILLIAMS, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Mark J. Shmueli, Washington, D.C., for Petitioner. Peter D.
Keisler, Assistant Attorney General, Richard M. Evans, Assistant
Director, Joan E. Smiley, Office of Immigration Litigation, UNITED
STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Lily Abikian, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming the immigration judge's denial of her applications for asylum, withholding of removal, and protection under the Convention Against Torture.

On appeal, Abikian raises challenges to the immigration judge's determination that she failed to establish her eligibility for asylum. To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence [s]he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the evidence of record and conclude that Abikian fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief that Abikian seeks.

Additionally, we uphold the immigration judge's denial of Abikian's request for withholding of removal. The standard for withholding of removal is more stringent than that for granting asylum. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999). To qualify for withholding of removal, an applicant must demonstrate "a clear probability of persecution." INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). Because Abikian fails to show that she is

eligible for asylum, she cannot meet the higher standard for withholding of removal.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED